

IN THE HIGH COURT OF GUJARAT
AT AHMEDABAD

Date of decision: 19th January 1996

SPECIAL CIVIL APPLICATION NO.3715 OF 1983

THE HONOURABLE MR. JUSTICE S.K.KESHOTE, J.

Shri Ravi R.Tripathi, Advocate, for the Petitioner.

Miss S.K.Mandavia, Assistant Government Pleader, for the Respondents.

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| 1. | Whether Reporters of Local Papers may be allowed to see the judgment? | Yes |
| 2. | To be referred to the reporter or not? | No |
| 3. | Whether their Lordships wish to see the fair copy of judgment? | No |
| 4. | Whether this case involved a substantial question of law as to the interpretation of the Constitution of India, .. | No |

thereunder?

5. Whether it is to be circulated to the Civil Judge? No

Coram: S.K.Keshote, J.
(19th January 1996)

Oral Judgment:

Heard learned counsel for the parties. It is not in dispute that respondent No.3 has been selected by the Gujarat Public Service Commission (respondent No.2 herein) for the post of Assistant Director of Ayurved. The selection of respondent No.3 has been challenged by

the petitioner on the ground that he was not possessing seven years administrative and teaching experience in Ayurvedic Medical practice. Learned counsel for the petitioner contended that respondent No.3 has to possess seven years teaching experience as well as seven years administrative experience. Reply to the writ petition has been filed by respondent No.2 - Commission. The interview for the post has been held on 26th July 1983 and a list of three candidates has been prepared who were found suitable for the post in order of merits. Name of the petitioner does not appear at Sr. No.1, whereas his name appears at Sr. No.2. Respondent No.3 has a teaching experience of about four years as Hon. Professor in Sheth J.P.Ayurvedic College at Bhavnagar. It has also been stated that he has the administrative experience of working as a Vaidyakiya Adhikari in the office of the Director of Ayurved at Ahmedabad from 10.2.1967. The contention of the petitioner that respondent No.3 should have each seven years experience of teaching and administration is not acceptable. What is the requirement of the advertisement is that the person concerned should have seven years experience of teaching and administrative. The draft Recruitment Rules for the post of Assistant Director of Ayurved were approved by the Commission wherein it is recommended that the said post being of an administrative-cum-technical nature, experience of seven years would be adequate. That draft Recruitment Rules were also approved by the Government. When the interview for the post was held, the candidates represented with regard to experience and clarification in that regard was sought from the Government. The reply from the Government was received on 2.6.1983 wherein it has been stated that seven years experience should be administrative and teaching. After receiving the said clarification, the applications were scrutinised and the Commission called those candidates who were found to be fulfilling the required seven years experience both in administration and teaching. In the light of the reply of the Commission, a copy of which has been filed at Annexure-B, it appears that what is the requirement is of seven years experience of teaching and administrative, and not separately seven years experience in teaching and seven years experience in administration.

2. In the result, this writ petition fails and the same is dismissed. Rule is discharged. Stay order stands vacated. No order as to costs.

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